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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THELMA SPIRTOS,)	Case No. SACV 08-00937 DDP (CWx)
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY THE COURT
)	SHOULD NOT ISSUE TERMINATING
v.)	SANCTIONS
)	
PACIFIC MORTGAGE FUND LLC;)	
PACIFICA FIRST NATIONAL FUND)	
INC.; VINCE MOTYL; BENMAR)	
SERVICES; DOWNEY SAVINGS &)	
LOAN,)	
)	
Defendants.)	
)	
_____)	

The Court orders Plaintiffs to show cause why the Court should not dismiss this case, with prejudice, on the basis of Plaintiffs' filing of what appears to be a fraudulent declaration. In support of their Motion for Partial Summary Judgment, Plaintiffs submitted a declaration from a "Natalie Mantos," who, according to the declaration, served as branch manager of U.S. Bank, N.A.'s Whittier Branch. (Dkt. No. 91.) The declaration purports to confirm that Plaintiffs' former attorney, Jon J. Eardley, made nineteen separate monthly mortgage payments on Plaintiffs' behalf in 2006 and 2007.

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1 Defendants, in their Opposition, submit a declaration from
2 "Natalie Matos," the former manager of U.S. Bank, N.A.'s Whittier
3 Branch, stating that she did not prepare the declaration that
4 Plaintiffs attribute to her, that her name is misspelled, and that
5 the signature above the printed name is not her signature. (Matos
6 Decl. ¶ 3.) They also submit a declaration from Christina Lohse,
7 U.S. Bank N.A.'s Legal Records Coordinator, stating that "the
8 alleged payments identified in the purported August 14, 2008
9 declaration of Natalie Matos were never made." (Lohse Dec. ¶ 8.)

10 Plaintiffs did not file a reply addressing the serious
11 allegations of fraud. The Court orders Plaintiffs to respond to
12 the fraud allegations, and explain why the Court should not issue
13 terminating sanctions, within fourteen (14) days of the date of
14 this Order. Plaintiffs' response to this Order shall not exceed
15 seven (7) pages. If Plaintiffs do not respond in a timely fashion,
16 this case will be dismissed with prejudice, and judgment will be
17 entered in favor of Defendants on all of their counterclaims.

18 The scheduling conference set for November 2, 2009, (Dkt. No.
19 105), is hereby vacated.

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21 IT IS SO ORDERED.

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24 Dated: October 21, 2009


DEAN D. PREGERSON
United States District Judge